

MR. COFFEY--

REGISTRY--

SECRET

Approved For Release 2003/04/29 : CIA-RDP84-00780R003500130007-5

DD/S 70-0422
2 FEB 1970

MEMORANDUM FOR: Deputy Director for Personnel

SUBJECT : Revision of [redacted]

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1. I am returning your memorandum of 27 January 1970 addressed to the Assistant Deputy Director for Support concerning the revision of [redacted]

2. At the Deputies' Meeting of 28 January agreement was reached that overtime and holiday pay would be limited to the base of a GS-15. Premium pay was not included. As you recall the DD/P asked that premium pay be exempted. I note your proposed revision in paragraph (h) on limitation of compensation or overtime, holiday, night and Sunday work. This appears to be satisfactory but are we opening the door too much in paragraph (c) for special situations approved by Deputy Directors or Heads of Independent Offices. Please consider this aspect in your final draft on the change of the regulation to effect the agreement at the Deputies' Meeting.

[redacted]

R. L. Bannerman
Deputy Director
for Support

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Att

DD/S:RLB:llc (2 February 1970)

Distribution:

O - Addressee w/O DD/S 70-0337 1 - C/RCB (2/3/70)

1 - DD/S Chrono

~~A~~ - DD/S Subject w/ccy DD/S 70-0337

DD/S 70-0337: Memo dtd 27 Jan 70 for ADD/S fr [redacted] subj:
Proposed Revision of [redacted] -Hours of Work, Leave,
and Pay

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Excluded
[redacted]

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27 JAN 13/0

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MEMORANDUM FOR: Assistant Deputy Director for Support

DD/S 70-0337

SUBJECT : Proposed Revision of [] - Hours of Work, Leave, and Pay

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Jack:

Attached is a proposed revision of [] Hours of Work, Leave, and Pay, which incorporates into the regulations, as you requested, the policy which thus far has been in the form of a gentlemen's agreement, that overtime normally will not be paid to employees in grade GS-15 and above. We have inserted the revision under paragraph h. so that the restrictions will apply to all premium entitlements; i.e., overtime, holiday pay, night differential, and Sunday pay.

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I'm sure you realize that, as written, the new policy permits employees below GS-15, including those with rates of pay in excess of the minimum for grade GS-15, to get far greater premium benefits than a GS-15. It is a policy which permits possible diminution of total salary benefits upon promotion to grade GS-15. Mr. Bannerman's original suggestion to limit overtime to the base pay of a GS-15 would overcome this problem but was argued against on the basis that it was a step backward on to less firm ground legally. The new policy statement is no less illegal. The new statement will probably be more acceptable to [] who argued that all GS-14's should be able to receive overtime.

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Uniformity of application of the GS-15 overtime policy was another concept endorsed by all the Deputies. Paragraph h.(1)(c) "special situations approved by Deputy Directors" provides a discretionary area that could prevent us from achieving true uniformity.

In summary, we are inclined to leave the regulation alone. There is no reason to assume that the present agreed-to policy of the Deputy Directors that overtime payments will not normally be made to employees in grades GS-15 and above should not be effective. Although we have belabored the point, we still believe the written regulation cannot be expected to serve as a substitute for the role of management in the administration of overtime policy. The nature of man is such that he prefers to voluntarily agree with management that a GS-15 should not receive overtime compensation than to be told by regulation that he will not be compensated.

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[]
Deputy Director of Personnel

Att.

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- (c) Directed overtime is that overtime work which has been officially ordered by a designated senior official.
- (d) Annual premium pay is a form of overtime pay designed to compensate an employee when his duties require substantial amounts of irregular or occasional overtime work and night, holiday, and Sunday work which cannot be administratively controlled and when he is primarily responsible for recognizing the circumstances which require him to be on duty; it may not be used to compensate for regularly scheduled overtime duty.

(2) POLICY

- (a) All levels of management are expected to exercise sound judgment in planning work requirements and schedules so that directed overtime normally is not required.
- (b) Overtime generally will be used only to meet unforeseen developments or circumstances. Funds must be available for all directed overtime even though compensatory time in lieu of overtime payments is contemplated.
- (c) Regularly scheduled overtime must have the prior approval of the appropriate Deputy Director or Head of Independent Office.
- (d) When it would appear that the payment of annual premium pay would be a more equitable way to recompense an employee for substantial amounts of uncontrollable overtime, the request must have the concurrence of the appropriate Deputy Director or Head of Independent Office and the approval of the Director of Personnel.
- (e) Irregular or occasional overtime may be authorized by Operating Officials and Heads of Independent Offices and other senior officials to whom such authority has been delegated by Deputy Directors. Whenever feasible, it will be ordered prior to its performance.
- (f) Hours of overtime which have not been specifically ordered or directed will not qualify for overtime payments or for compensatory time in lieu thereof.
- (g) Based on the needs of the service, employees may be required to perform overtime unless excused because of unusual personal circumstances.
- (h) Each period of directed overtime performed by an employee on a day when no work was scheduled for him or for which he is called back to his place of employment will be considered to be at least two hours in duration.
- (i) Employees in grade GS-11 and below will receive overtime payments or compensatory time off in lieu thereof for all hours of directed overtime.
- (j) Employees in grade GS-12 and above generally will be expected to organize their work in such a manner that directed overtime is unnecessary. They may receive overtime payments or compensatory time off in lieu thereof for directed overtime worked in excess of 48 hours in a given workweek. No overtime payment or compensatory time off will be granted for hours of duty between 40 and 48 in a given workweek unless such hours represent directed work:
 - (1) On a position which requires substantial amounts of overtime on a continuing basis and the productivity is predominantly measurable in units of production or hours of duty performed. (Such positions will be identified by Operating Officials and Heads of Independent Offices, concurred in by appropriate Deputy Directors, and approved by the Director of Personnel.); or

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(2) On any day during a work period of 7 or more consecutive days;

(3) On a second job the duties of which are significantly unrelated to the primary assignment. (The Operating Official or Head of Independent Office concerned will designate each individual to whom the "second job concept" may apply and the Director of Personnel will determine whether the two jobs are significantly unrelated.)

(3) RESPONSIBILITIES

(a) Deputy Directors and Heads of Independent Offices are responsible for allocating and approving overtime funds; they will closely monitor overtime policies and practices within their jurisdictions to ensure that they are administered with consistency and equity.

(b) Senior officials to whom authority to authorize overtime has been delegated will ensure that any overtime which they authorize is in accordance with the policies and provisions prescribed herein.

(c) The Office of Planning, Programming and Budgeting will be responsible for periodically advising the Executive Director-Comptroller of the results of its analysis of the management practices and use of overtime within the Agency.

(4) METHOD OF COMPENSATION. Overtime compensation authorized in accordance with the above policies will be computed for each continuous whole hour of work, subject to the limitations in subparagraph h below. Fractional parts of an hour or combinations thereof are not compensable.

(a) A graded employee will be paid for overtime or may, if he requests it not later than the end of the pay period in which the overtime was worked, be granted compensatory time off in lieu of overtime payment (see subparagraph i below). The overtime pay rate is one and one-half times the hourly rate of basic salary but will not exceed one and one-half times the minimum scheduled rate for GS-10.

(b) Authorized annual premium pay is set at a rate not less than 10 percent nor more than 25 percent of that part of the employee's basic rate of compensation which does not exceed the minimum basic rate for grade GS-10.

(c) Prevailing rate (ungraded) employees will be paid for directed overtime performed at the overtime rate established for their respective pay levels. Compensatory time off will not be granted to prevailing rate employees.

d. HOLIDAY WORK AND COMPENSATION. All work, not exceeding eight hours, authorized and performed on an official holiday during regular duty hours will be considered as holiday work. (Work performed on a holiday before or after regular duty hours is considered overtime work.) Work on holidays will be kept to a minimum consistent with work requirements and will be authorized only when requirements cannot be satisfactorily completed within regularly prescribed duty hours.

(1) Any employee who is required to perform work for one or more periods on a holiday during regular duty hours will be paid for at least two hours of work for each such period, subject to the eight-hour limitation stated immediately above.

(2) Holiday work is paid for at twice the rate of basic salary, subject to the limitations stated in subparagraph h below. Overtime performed on holidays will be compensated in accordance with the provisions stated in subparagraph c(4) above.

→ Revised: 3 November 1969 (494)

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(3) Prevailing rate (ungraded) employees will be paid for holiday work in accordance with the appropriate wage schedule.

e. **NIGHT DUTY AND COMPENSATION.** Night duty is duty during the period between the regular closing hour of a component on one day and the regular opening hour on the next day whether or not the days involved are regular workdays.

(1) An employee acting as a night duty officer may be authorized overtime compensation (payment or compensatory time off) in accordance with subparagraph c above, except that a minimum of eight hours for each night of duty will be deducted as time off for sleeping if the requirements of the night duty permit.

(2) Prevailing rate (ungraded) employees will be paid for overtime performed as night duty officer at their regular overtime rate but not to exceed one and one-half times the minimum scheduled rate for grade GS-10, unless actual work is required in addition to normal duty officer responsibilities.

f. **NIGHT DIFFERENTIAL WORK.** Night differential work is regularly scheduled work between 6 p.m. and 6 a.m.

(1) Night differential is additional pay at a rate of 10 percent of basic salary for hours of night differential work.

(2) Overtime worked between 6 p.m. and 6 a.m., which is otherwise to be compensated in accordance with subparagraph c above, may be considered night differential work and night differential must also be paid if either of the following conditions exists:

(a) The overtime is a part of the employee's regularly scheduled administrative workweek.

(b) The overtime falls within another regularly scheduled tour of duty, and the employee is assigned to perform duties which are normally performed by the regular work force of the other tour.

Examples:

(1) An employee's normal 40-hour tour is from 9:30 a.m. to 6:00 p.m., Monday through Friday, and he is scheduled to work from 9:30 a.m. to 9:00 p.m. on every other Friday. Compensation for overtime and payment of night differential are required for the three hours from 6:00 p.m. to 9:00 p.m. worked every other Friday, as it is regularly scheduled work.

(2) An employee whose normal tour is from 7:30 a.m. to 4:00 p.m. is directed to work six hours overtime (4:00 p.m. to 10:00 p.m.) on a particular night to assist the regularly scheduled evening shift (4:00 p.m. to 12:00 midnight). Compensation for six hours of overtime and payment of four hours (6:00 p.m. to 10:00 p.m.) night differential are required.

(3) Night differential is payable when an employee who is otherwise entitled to night differential does not work because of a holiday, and for periods of leave with pay of less than eight hours during any biweekly pay period. It is not payable for any period of leave if the aggregate of paid leave during the same biweekly pay period is eight hours or more, nor is it payable for any period covered by a lump-sum leave payment.

(4) Prevailing rate (ungraded) employees will be paid for night differential in accordance with the appropriate wage schedule.

g. **SUNDAY WORK AND COMPENSATION.** All hours which are not in excess of eight, which are not overtime, and which are worked during a regularly scheduled tour of duty within a basic workweek will be considered "Sunday work," if any part of that work is performed on Sunday (midnight Saturday to mid-

night Sunday). Premium pay for Sunday work is computed at a rate equal to 25 percent of an employee's basic rate of compensation. Premium pay for Sunday work is in addition to premium pay for holiday work, overtime compensation, or night differential but is not to be included as part of basic compensation when computing other premium pay. Sunday premium pay is applicable only to whole hours actually worked during regularly scheduled Sunday work and is not paid for any periods of leave.

Examples: If an employee's normal tour begins at 5 p.m. Saturday and ends at 1 a.m. Sunday, his Sunday premium pay entitlements are as follows:

- (1) If he works all eight hours, he earns eight hours of Sunday premium pay.
- (2) If he is absent (even though on paid leave) for the last hour, he earns no Sunday premium pay because no work is performed on Sunday.
- (3) If he is absent for one or more hours before midnight but works for the one hour on Sunday, he earns Sunday premium pay for all hours of that scheduled tour he actually worked.
- (4) If he works during two different regularly scheduled tours both of which overlap the same Sunday (such as Saturday into Sunday and Sunday into Monday), he may earn premium pay for hours worked in both tours not to exceed eight hours per tour, subject to a determination based upon the examples above if any absences occurred.

b. LIMITATION OF COMPENSATION FOR OVERTIME, HOLIDAY, NIGHT, AND SUNDAY WORK

(1) No overtime, holiday pay, night differential, or Sunday premium pay will be paid or compensatory time off be granted, for any biweekly pay period, to an employee whose rate of basic salary for any pay period of 14 days or 20 hours per month is equal to or less than GS-15. IN GRADE GS-15 OR ABOVE UNLESS OVERTIME WAS AUTHORIZED (A) AS PREMIUM PAY OR (B) IN ACCORDANCE WITH THE "PRODUCTION" OR "SECOND JOB" CONCEPTS STATED IN PARAGRAPH C(2)J(1) AND (3) ABOVE, OR (C) FOR SPECIAL SITUATIONS APPROVED BY DEPUTY DIRECTORS OR HEADS OF INDEPENDENT OFFICES.

(2) In the case of an employee whose rate of basic salary is less than the maximum scheduled rate of grade GS-15, DIRECTED OVERTIME, HOLIDAY PAY, NIGHT DIFFERENTIAL, or Sunday premium pay may be paid (or compensatory time off granted in lieu of payment for overtime) only to the extent that such payment and the value of overtime hours credited to compensatory time off computed at overtime rates would not cause his aggregate compensation to exceed the maximum scheduled rate for grade GS-15 with respect to any biweekly pay period. ~~Request for this the amount of annual salary legally payable on basic salaries and the maximum number of hours of overtime for which compensation payment or compensatory time off may be granted.~~

(3) Hours spent as a student in Agency-sponsored training activities may not be considered as workhours for purposes of overtime compensation, holiday pay, night differential, or Sunday premium pay. Requests for exceptions will be forwarded through normal channels to the Director of Training for concurrence and to the Deputy Director for Support for approval.

(4) No holiday pay, night differential, or Sunday premium pay will be paid to any employee for a special duty tour which is solely the result of a rescheduling of his basic workweek to permit him to pursue outside study at his own expense.

(5) The limitations in subparagraphs (1) and (2) above do not apply to prevailing rate (ungraded) employees.

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